

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/365,243 07/30/99 SLATTERY

T 7442.0010

QM32/0806

EXAMINER

HARRIS, C

ART UNIT

PAPER NUMBER

3713

DATE MAILED 08/06/01

ROBERT F ROTELLA  
FINNEGAN HENDERSON FARABOW  
GARRETT & DUNNER  
1300 I STREET N W  
WASHINGTON DC 20005-3315

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/365,243	SLATTERY ET AL.
	Examiner Chanda L. Harris	Art Unit 3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 16 July 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 27-66 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 27-66 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### **Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. **Claims 27-28, 30-32, 38-41, 43-44, 50-53, 55-56, 62-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Bullen (U.S. Patent No. 6,033,226).**

3. Bullen discloses [Claims 27, 30-31, 40, 43-44, 52, 55-56, 64-66]:

The training system 2 trains the operator 4 to perform specific tasks in an environment 9 outside of the computer 6. For example, the training system 2 can teach the operator 4 to machine a part or workpiece 10 with a machine tool 11 by responding to inputs 12 by the operator 4. The input can be stored in the computer memory 7.

The training system 2 can also have, but does not have to have, interface software 14 interfaced to an actual machine tool 11 of an outside situation or environment 9 for direct response and control of the environment 9. The interface software 14 operates on the computer 6 for controlling the machine tool 11. The interface software 14 can share access to and exchange of data with the memory medium 7.

Also, the training system 2 can further include a remote station 16 linked to the computer memory 7 of the interactive computer 6. The remote station 16 can have an instructor for monitoring and supervising the operator 4 in real time. Moreover, the remote station 16 can share access to and exchange data with the computer memory 7. The remote station 16 can be linked to the computer 6 in any suitable networking manner, such as via an intranet or internet connection. Col.3: 57 – 4: 11

Claims 64-66 would be an inherent part of Bullen's invention.

4. Bullen discloses [Claims 28, 41, 53, 62-63]:

The operator can select for which tooling operation he or she would like to be trained. Once a tooling operation has been selected, various functions become available to the operator/user with respect to that particular tooling operation. These can include for instance, an example of a tooling operation 80, practice of a tooling operation 81, simulation of a tooling operation 82, expert advice on a tooling operation 83, diagrams 84 of the machined part and tooling steps, a self-test 86 of a particular tooling function, a walkthrough of a particular tooling operation 85 and other functions 87 suitable to interactively train an operator 4. Col.4: 53-63

Claims 38-39, 50-51, 62-63 would be an inherent part of Bullen's invention.

5. Bullen discloses providing a result of the operation to the client computer [Claim 32]:

The interface software 14 also receives instantaneous data from the machine tool 11 indicating the tool's 11 position, location, status, etc. The interface software 14 processes the data from the computer memory 7 and the machine tool 11 and sends suitable commands to the machine tool 11 for operating the machine tool 11 in real time. Col.4:17-23

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 29, 33-37, 42, 45-49, 54, 57-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullen.**

6. Bullen does not disclose expressly a firewall between the Internet and device controller or a means for transferring information to the firewall regarding permitting the user to access the device controller [Claims 29,42,54]. However, it would have been

obvious to one of ordinary skill in the art at the time of the invention to incorporate such limitations into Bullen's invention to regulate access and preserve the propriety of devices or applications. Moreover, using firewalls to regulate access to particular applications or devices is old and well known in the art.

7. Bullen does not disclose expressly, a network device, a router, a switch, a computer, or a programmable logic controller [Claims 33-37, 45-49, 57-61]. However, it would have been obvious to one of ordinary skill in the art that a machining or other tool in Bullen's invention could be a network device, a computer, or a programmable logic controller. Therefore, it would have been obvious to incorporate a machining or other tool that is a network device, a computer, a router, a switch, or a programmable logic controller for the purpose of machine tool training.

To overcome the limitations in the prior art described above, and to overcome other limitations that will become apparent upon reading and understanding the present specification, the present invention is an interactive multi-media training system which incorporates text, audio, and video graphics animation and other tools to teach a user (in the description that follows, the term user is used interchangeably with the term operator) to use a device in an outside environment, such as a machining or other tool without the drawbacks of traditional practical training. Col.1: 58-67

#### ***Response to Arguments***

8. Applicant's arguments with respect to claims 27-66 have been considered but are moot in view of the new ground(s) of rejection. Examiner regrets the delay in citation of U.S. Patent 6,033,226. Therefore, this action is made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Chanda L. Harris  
Examiner  
Art Unit 3713

*ch.*  
ch.  
August 3, 2001

*Valencia Martin-Wallace*

VALENCIA MARTIN-WALLACE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

## **Attachment for PTO-948 (Rev. 03/01, or earlier)**

**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

### **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

#### **1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

#### **2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

#### **Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.